

City of Fort Lauderdale Planning and Zoning Board**Case 11-Z-03****STAFF REPORT****January 22, 2004**

Applicant	Calvary Chapel of Fort Lauderdale Inc.	
Request	Rezone from AIP (Airport Industrial Park) to CF (Community Facility)	
Location	2401 N.W. 62 Street	
Legal Description	Harris Corporation P.B. 100, P. 15, A portion of Tract "A"	
Property Size	246,497 sq. ft. or 5.659 acres	
Zoning	AIP	
Existing Land Use	Vacant	
Future Land Use Designation	Employment Center	
Comprehensive Plan Consistency	Consistent with the goal to promote the distribution of land uses that will preserve and enhance the character of Fort Lauderdale by establishing land development guides designed to promote environmental protection, meet social and economic needs, provide adequate services and facilities, conserve natural resources and ensure compatibility of land uses. The application is also consistent in that the uses permitted in the proposed zoning district are permissible in the Employment Center Land Use Designation.	
Other Required Approvals	City Commission	
Applicable ULDR Sections	Sec 47-24.4 Rezoning	
Notification Requirements	Sign Notice and Mail Notice	
Action Required	Approve, Approve with conditions, or Deny	
Project Planner	Name and Title	Initials
	Kevin Erwin, Planner I	
	Chris Barton, AICP, RLA, Principal Planner	
Authorized By	Bruce Chatterton, AICP, Planning and Zoning Services Manager	
Approved By		

Background:

This application has been on five previous agendas and has been deferred from each at either the applicant's or City Staff's request. At the December 17, 2003 meeting the item was deferred to the January 22, 2004 meeting. The City has been working diligently with the applicant to craft an avigation easement and list of prohibited uses for the property which is anticipated to protect the City's interest and the FXE, City Attorney and Planning staff feel this has been accomplished. The applicant is in agreement and has agreed to execute the agreement prior to the rezoning of the site.

Calvary Chapel purchased the main tract (Harris Corporation P.B. 100, P. 15 Tract A) from the Harris Corporation on December 16, 1996. According to the Airport Programs Manager, "...*this property was part of the original parcel of land given to the City for use as a public airport in*

1947 and was part of the Airport Industrial Park. When the City sold the property to Harris Computer in 1977, the City obtained approval from the FAA to release the property under certain conditions. These conditions were:

- *That the property was no longer needed for aeronautical purposes*
- *That Harris would grant the City the right of first refusal to repurchase the property at the same price per acre paid by Harris*
- *That the City would have the right of flight by aircraft operating at the Airport over the property and to cause noise inherent in the operation of aircraft*
- *That the property owner would restrict the height of structures or other obstructions*
- *And that the property owner would prevent any use of the property that would interfere with or adversely affect the operation or maintenance of the airport or would otherwise constitute a hazard*

These restrictions run with the land, so they were transferred to the Chapel when the property was sold in 1996. The entire property was zoned Airport Industrial Park (AIP), which allows for light, clean industrial, office, warehouse and distribution, and which is compatible with airport activity. ..."

They later acquired additional land (Vantage Industrial Park P.B. 89, P. 1, A portion of Parcel A) adjacent to the main site from the Clerk of the Court on December 23, 2002.

Calvary Chapel applied to rezone a portion of the main site from AIP to CF in September of 1999. The rezoning was granted by the City Commission in November of 1999.

Calvary has applied to rezone three additional portions of their holdings as shown on the attached location maps for each case. Area 1, the subject of Case 11-Z-03, is located in the southwest corner of the Harris Corporation Tract A and is currently zoned AIP. This parcel is located within both the 2002 65 db DNL noise contour and the runway clear zone as defined by SS Chapter 330.03(3).

Area 2, the subject of Case 12-Z-03, is located adjacent to the northwest corner of the Harris Corporation Tract A, and is currently zoned AIP. This parcel was not part of the original Harris Corporation holdings and does not have any restrictive covenants attached to the deed. The Airport and Planning staff recommend denial of any rezoning of this parcel unless the applicant agrees to the proposed aviation easement and enters into a voluntary agreement to restrict the use of the property. A small portion (the southwestern most portion) of this parcel is located within the runway clear zone as defined by SS Chapter 330.03(3).

Area 3, the subject of Case 15-Z-03, is located in the southeastern section of Harris Corporation Tract A and is currently zoned AIP. This parcel is located within the runway clear zone as defined by SS Chapter 330.03(3).

The rest of the property has already been rezoned to CF or P. The City is desirous of obtaining an avigation easement over the rest of the applicants property. The permitted uses in AIP and CF are attached as **Exhibits 1 & 2** respectively.

Due to the proximity of this site to the City's General Aviation Airport, special regulations apply. Land areas adjacent to airports are governed by FAA regulations relating to noise and runway protection zones

The City's Airport Consultant has reviewed these requests for rezoning and recommends that the applications be denied or if that is not feasible to obtain an avigation easement from the applicant crafted with the intent to protect the City's interest to the greatest extent possible. A copy of the Airport consultant's report is attached as **Exhibit 3**.

There are essentially four levels of protection for the City. These are as follows:

1. Avigation Easement
2. Covenant Not To Sue
3. Prohibited Uses within Airport Hazard Area
4. Airport Noise; Compatible and Noncompatible Land Uses

A copy of the above described documents is attached as **Exhibit 4**.

The Airport consultant, Airport staff, and City Attorney staff are present at the meeting for consultation.

Request:

This is a request to rezone 5.659 acres from AIP (Airport Industrial Park) to CF (Community Facility). This parcel is located at the far southwestern corner of Tract "A" of the Harris Corporation Plat. The existing Land Use Designation of the site is Employment Center. The Employment Center Land Use Category would permit a rezoning of the subject site to CF. The zoning pattern around the subject site is as follows:

Direction	Zoning	Land Use
North	CF	Employment Center
South	GAA	Employment Center
East	CF	Employment Center
West	AIP	Employment Center

The site is currently vacant. The applicant, Calvary Chapel, proposes to construct a 132 space surface parking lot on the eastern portion of this site. This lot is in excess of the required parking for the existing uses.

This rezoning request is consistent with the existing Employment Center Land Use Designation and the surrounding uses.

The applicant has provided a justification narrative explaining how this request meets the criteria of the Unified Land Development Regulations (ULDR), Section 47-24.4.D. (**Exhibit 5**). *Staff concurs with the applicant's assessment with the exception of criteria 47-24.4.D.3.*

*Criterion 3 states "The character of the area proposed is suitable for the uses permitted in the proposed zoning district and is compatible with surrounding districts and uses". As outlined in the consultant's report, many of the uses allowed in the CF zoning district would not be compatible with the adjacent airport due to noise contour and flight path issues. It is possible that the applicant can meet this criterion, should the applicant and staff come to an agreement on the necessary avigation easement language that will prohibit those uses in conflict. See **Exhibit 1** which contains a complete list of the uses permitted in the CF zoning district.*

Comprehensive Plan Consistency:

As stated above the application is consistent with the comprehensive plan as follows:

Goal: To promote the distribution of land uses that will preserve and enhance the character of Fort Lauderdale by establishing land development guides designed to promote environmental protection, meet social and economic needs, provide adequate services and facilities, conserve natural resources and ensure compatibility of land uses.

The application is also consistent in that the uses permitted in the proposed zoning district are permissible in the Employment Center Land Use Designation.

Staff Determination:

Staff finds that this rezoning request meets criteria 1 and 2 for Rezoning as required by Sec 47-24.4, and that together with the avigation easement and restrictive covenants offered by the applicant the application meets criteria 3.

Airport staff have indicated that the airport's and the City's interest are better served by approval of the rezonings in conjunction with the avigation easement and restrictive covenants than by denial of the rezonings.

Conditions:

Staff recommends that the avigation easement and restrictive covenants be executed and recorded prior to the effective date of the ordinance approving the rezoning applications.

That the applicant bear all costs for execution and recording of the above.

Planning and Zoning
Board Review Options:

If the Planning and Zoning Board determines that the application meets the criteria as provided in this section, the Planning and Zoning Board shall recommend that the rezoning be approved or recommend a rezoning to a more restrictive zoning district than that requested in the application if necessary to ensure compliance with the criteria for the rezoning and if consented to by the applicant.

If the Planning and Zoning Board determines that the application does not meet the criteria provided for rezoning or if the applicant does not consent to a more restrictive zoning district, the Planning and Zoning Board shall deny the application and an appeal to the City Commission may be filed by the applicant in accordance with Section 47-26B, Appeals.

Acting as the Local Planning Agency, the Board's motion should include a finding of compliance with the City's Comprehensive Plan and the criteria for rezoning.